

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Victoria's Secret Stores Brand Management, Inc.,  
Plaintiff/Appellant,

v.

Case No. 07cv-5804(GEL)

Sexy Hair Concepts, LLC,  
Defendant / Appellee.

**DECLARATION OF JAMES M. MORRISON**

James M. Morrison declares:

1. I am a citizen of the U.S., over 18 years old and a resident of the State of California.
2. I am employed as the President and Chief Executive Officer of Sexy Hair Concepts, LLC ("Sexy Hair") in Chatsworth, California.
3. I have worked in this capacity for Sexy Hair continuously since 2006.
4. The schedules produced to Victoria's Secret in this proceeding as SHNY 0001-0003 were prepared under my supervision and control from the business records of Sexy Hair and are accurate summaries of sales and advertising expenses for the SEXY HAIR brands.
5. The promotional materials produced to Victoria's Secret in this proceeding as SHNY 0306, 0312-0313, 0345-0346, and 0353 are true and correct copies of advertising and promotional materials prepared by or on behalf of Sexy Hair and distributed by Sexy Hair in the ordinary course of business.
6. The portions of an *AC Neilson* report produced to Victoria's Secret in this proceeding as SHNY 0289 and 0296 are true and correct copies of records kept by Sexy Hair in

the ordinary course of business that relate to the reported volume of SEXY HAIR products that are diverted to retail chains such as CVS and Rite-Aid.

7. The materials produced to Victoria's Secret in this proceeding as SHNY 0556-0675 and 0695-0699 are true and correct copies of records kept in the ordinary course of business that demonstrate Sexy Hair's ongoing efforts to police it family of marks.

I declare under penalty of perjury that the foregoing is true and correct.



James M. Morrison

Date: 05/01/08

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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Plaintiff/Appellant, :  
Case No.: 07-cv-5804 (GEL)  
v. :  
Sexy Hair Concepts, LLC :  
Defendant/Appellee. :  
:

**CERTIFICATE OF SERVICE**

I hereby certify that on the date shown below, copies of the documents listed below were served upon Frank J. Colucci, Esquire of COLUCCI & UMANS, 218 East 50<sup>th</sup> Street, New York, NY 10022, counsel for Plaintiff/Appellant, by Federal Express next day delivery:

- Defendant/Appellee's Motion and Memorandum for Summary Judgement
- Defendant/Appellee's Rule 56.1 Statement of Material Facts
- Motion in Limine of Defendant Sexy Hair Concepts, LLC to Preclude Testimony of Edward Finegan, Ph.D.
- Motion in Limine of Defendant Sexy Hair Concepts, LLC to Preclude Testimony of Paul LaBrecque
- Motion in Limine of Defendant Sexy Hair Concepts, LLC to Preclude Expert Report of Dr. Gerald L. Ford
- Motion in Limine of Defendant Sexy Hair Concepts, LLC to Preclude Survey and Expert Report of Dr. Michael B. Mazis
- Declaration of James Morrison in Support of Motion for Summary Judgment
- Declaration of John F. Metzger in Support of Motion for Summary Judgment

May 2, 2008

Date

